

REMARKS

I. Introduction

Claims 1-8 are currently pending, with claims 7 and 8 having been previously withdrawn from further consideration. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are in allowable condition.

II. Drawings

The Examiner has objected to the drawings as being informal, and Applicants note that formal drawings will be required if the application is allowed.

III. Rejection of claims 1, 2 and 4-6 under 35 U.S.C. § 102(e)

Claims 1, 2 and 4-6 have been rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,195,776 to Ruiz. Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

To reject a claim under 35 U.S.C. §102(e), the Office must demonstrate that each and every claim feature is identically disclosed in a single prior art reference. See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). The identical invention must be shown in as complete detail as is contained in the claim. M.P.E.P. §2131.

Independent claim 1, as amended, recites a method of safeguarding at least one safety-critical program part against inadvertent execution, which method includes, *inter alia*, the steps of: a) providing at least one safety-critical program part in the second memory sector and at least one further program part in the first memory sector, wherein the first memory sector is configured to be executed prior to the second memory sector, and the at least one further program part includes a routine for generating a pattern; b) at least at one point in time after the pattern is configured to be generated, checking whether the pattern is present; and c) wherein a program code for resetting the processor is stored in a section of the program memory corresponding to a chronological execution point prior to the safety-critical program part. Amended claim 6 recites substantially similar features, as well as further reciting “terminating program execution if the pattern is determined to be not present.” Applicants note that the advantages of the claimed invention are fully explained in the

Specification, e.g., p. 6, l. 27 – p. 8, l. 18. It is submitted that Ruiz does not disclose each of these elements of claims 1 and 6.

The Ruiz reference describes a computer implemented synthesis system and method for generating a test program for use in testing devices. (Abstract). Although the Examiner cites Ruiz for teaching “the test patterns generated by the ATPG program code” and “the time-out or reset that occurs when an attempt to locate the pattern shows that the memory is defective or non-scannable,” Applicants note that Ruiz has absolutely nothing to do with the inventions recited in amended claims 1 and 6. In particular, Ruiz simply does not teach or suggest anything relating to: a) providing at least one safety-critical program part in the second memory sector and at least one further program part in the first memory sector, wherein *the first memory sector is configured to be executed prior to the second memory sector, and the at least one further program part includes a routine for generating a pattern*; and b) wherein a program code for resetting the processor is stored in a section of the program memory corresponding to *a chronological execution point prior to the safety-critical program part*.

For at least these reasons, it is submitted that Ruiz does not anticipate the subject matter of claims 1 and 6, or dependent claims 2, 4 and 5. Withdrawal of the anticipation rejection of claims 1, 2 and 4-6 is therefore respectfully requested.

IV. Rejection of claim 3 under 35 U.S.C. § 103(a)

Claim 3 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Ruiz in view of Tinaztepe (U.S. Patent No. 5,913,022). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

Claim 3 depends from, and incorporates the features of, independent claim 1. In addition, it is submitted that the Tinaztepe fails to cure the deficiencies of the primary Ruiz reference as applied against parent claim 1.

For the foregoing reasons, the combination of Ruiz and Tinaztepe fails to render claim 3 obvious. Withdrawal of the obviousness rejection of claim 3 is requested.

V. **Conclusion**

It is therefore respectfully submitted that all of the presently pending claims 1-6 under consideration are in allowable condition. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON LLP

 (Reg. No. 35,952)

Dated: 1/10/06

By: Jong Lee for Gerard Messina
Gerard A. Messina
Reg. No. 35,952
One Broadway
New York, New York 10004
(212) 425-7200